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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

070121.0572

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on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Application Number

10/686,325

Filed

10/14/2003

First Named Inventor

Bartlett et al.

Art Unit

3635

Examiner

R. Kwiecinski

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

 applicant/inventor. assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96) attorney or agent of record.Registration number 50,932*Lisa A. Chiarini*

Signature

Lisa A. Chiarini

Typed or printed name

 attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

212-408-2500

Telephone number

07/25/2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	:	Bartlett <i>et al.</i>	Examiner	:	R. Kwiecinski
Serial No.	:	10/686,325	Confirmation No.	:	7244
Filed	:	10/14/2003	Group Art Unit	:	3635
For	:	Door Edge Construction			

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. Applicants respectfully request reconsideration of the Application in light of the remarks set forth below.

**REMARKS**

In a Final Office Action, dated April 25, 2008, claims 1-16, 18-29, and 32-34 stand rejected. Applicants contend that the rejection of claims 1-16, 18-29, and 32-34 contains clear legal and factual deficiencies, as described below. Applicants request a finding that these rejections are improper and allowance of these claims.

**Claim Rejections**

In the Final Office Action dated April 25, 2008, the Examiner rejected claims 1-5, and 33 under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 6,643,991 (“Moyes”), U.S. Patent No. 3,271,919 (“Olton”), and U.S. Patent No. 1,694,522 (“Victor”). Claims 14, 16, 32 and 34 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Moyes and Olton. Claim 15 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Moyes, Olton, and U.S. Patent No. 4,807,396 (“Heikkinen”). Applicant respectfully traverses these rejections.

**The Pending Claims**

All of the pending claims recite the feature of a “removable” stile. Specifically, independent claim 1 recites “a removable stile member configured to be readily removable from a core member of a door.” Similarly, independent claim 14 recites a “separate stile member” that is “readily removable from the vertical edge of the door.” Throughout this submission, Applicants will refer to the stile member of independent claims 1 and 14 as a “removable stile.”

**The Cited Prior Art of Record**

None of the prior art references relied upon by the Examiner for rejecting the pending claims disclose or suggest a door having a removable stile, as recited in the claims and described below in more detail.

A. **Moyes**

Moyes is directed to a fire door and a method of assembly. The fire door of Moyes contains a core 101, stiles 102 and intumescent strip 106, as best depicted in Fig. 2. There is absolutely no disclosure or suggestion that the stile 102 is removable. Indeed, the stile in Moyes is consistently described as being “secured.”

A pair of stiles are secured to and extend along opposed edges of the core, and a pair of rails are secured to and extend along opposed edges of the core. Moyes, Col. 2, Ins. 33-35

The stiles and rails are adhesively secured to the peripheral edges of the core. Moyes, Col. 2, Ins. 54-55

The stiles 102 and rails 103 may be secured to the core 101 with an adhesive, such as a hot melt adhesive, a polyurethane glue, or a polyvinyl acetate glue. Moyes, Col. 8, Ins. 38-41

After the core, stiles and rails have been machined and protective layers have been glued and cured as described above, each of the outward-facing edges of the core and the inward-facing edges of the rails and stiles are secured to one another with any known adhesive including hot melt adhesive, polyurethane glue, polyvinyl acetate glue and the like. Moyes, Col. 11, Ins. 47-54

Further, not only do all of the claims in Moyes require that the stiles be “secured” to the core, Moyes only teaches one method of securing the stile to the door—by adhesion. (See Moyes, Claim 1 and Col. 2, Ins. 54-55; Col. 8, Ins. 38-41; Col. 11, Ins. 47-54). “Adhesion” means “to stay attached; stick fast; cleave; cling.” See Exhibit 1 *Random House Unabridged Dictionary* (© Random House, Inc. 2006. Therefore, Moyes actually teaches away from the feature of a “removable stile, as recited in the pending claims.

B. Olton

Olton fails to remedy the deficiencies of Moyes because it also does not disclose or suggest a removable stile. Instead, Olton merely discloses a door edge protector. Indeed, Olton has nothing to do with stiles and only references the term twice, none of which suggests the removable stile, as recited in the present claims. (See Olton, Col. 1, Ins. 27-30; Col. 3, Ins. 29-31). Therefore, Olton clearly does not teach or suggest the invention presently claimed.

C. Victor

The Examiner also relies on 80-year old technology to remedy the deficiencies of Moyes and Olton. Victor describes a light-weight door construction formed from a plethora of assembled components. Each component is “interfitted so as to prevent relative displacement of the component parts of the core and edging frames when assembled.” Thus, unlike the presents

claims, Victor, all of the components of Victor's door are "permanently secured." (See Victor, p. 1, lns. 19-56; p. 3, lns. 37-61 and 105-112). Accordingly, Victor clearly teaches away from the feature of a removable stile.

D. Heikkinen

Heikken is relied upon for its teaching of a fastener. Indeed, fasteners were known prior to the present invention. Applicants submit, however, that what was not known or obvious is a readily removable stile feature. Heikken, like the other prior art of record, fails to disclose or suggest a removable stile. Accordingly, whether each cited reference is taken alone or in any combination, all of the features of the claims are not disclosed or suggested.

Capability Recitations

In the Office Action, the Examiner also contended that the recitations "configured to be readily removable from a core member of a door" and "such that the separate stile member is readily removable from the vertical edge of the door," in claims 1 and 14, are improper capability recitations. Applicants respectfully disagree and submit that the functional limitation is proper pursuant to M.P.E.P. § 2173.05(g), which recites:

A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used." A functional limitation is often used in association with an element . . . to define a particular capability or purpose that is served by the recited element, ingredient or step. M.P.E.P. § 2173.05(g).

The removable stile language of the present claims would convey to one of ordinary skill in the art that the stile is removably connected to the door edge, and as such would reflect a functional relationship between the stile and the door. In support of this position, Applicants draw the Examiners attention to U.S. Patent No. 7,389,156, which contains at least seven claims reciting an element "configured to be removable." Accordingly, Applicants submit that the claim language is proper and request that the objection be withdrawn.

**CONCLUSION**

None of the prior art of record, either alone or in combination, disclose or suggest the a removable stile, and in fact the primary references actually teach away from such feature. The functional capability language of the stile claim element is proper. Accordingly, the present claims are allowable.

Respectfully submitted,

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# **Exhibit 1**

**ad·here**  [Audio Help](#) [ad-heer] [Pronunciation Key](#) – [Show IPA](#)

Pronunciation *verb, -hered, -her·ing.*

—*verb (used without object)*

1. to stay attached; stick fast; cleave; cling (usually fol. by *to*): *The mud adhered to his shoes.*
2. *Physics.* (of two or more dissimilar substances) to be united by a molecular force acting in the area of contact.
3. to be devoted in support or allegiance; be attached as a follower or upholder (usually fol. by *to*): *to adhere to a party.*
4. to hold closely or firmly (usually fol. by *to*): *to adhere to a plan.*

5. *Obsolete.* to be consistent.

—*verb (used with object)*

6. to cause to adhere; make stick: *Glue will adhere the tiles to the wallboard.*

[Origin: 1590–1600; < ML *adhærēre* for L *adhaerēre* (*ad-* **AD-** + *haerēre* to stick, cling), perh. via MF *adhérer*]

—*Related forms*

*ad·her·a·ble*, *adjective*

*ad·her·er*, *noun*

—*Synonyms* 1. See **STICK**.

—*Antonyms* 1. **part, loosen.**

*Dictionary.com Unabridged (v 1.1)*

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